

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

COMPLAINT FOR DAMAGES

COMES NOW Plaintiff Janice Williams, and files this lawsuit against Defendants Jay Jay Kar Investments, Inc. and Kenny Patel (hereinafter collectively “Defendants”), and shows the following:

I. Nature of Complaint

1.

Plaintiff brings this action to obtain full and complete relief and to redress the unlawful employment practices described herein.

2.

This action seeks declaratory relief, liquidated and actual damages for Defendants' failure to pay federally mandated overtime wages to Plaintiff in violation of the Fair Labor Standards Act of 1938, as amended, 29 U.S.C. §201 *et seq.* (hereinafter "FLSA") during Plaintiff's employment with Defendants

(hereinafter referred to as the “relevant time period”).

II. Jurisdiction and Venue

3.

The jurisdiction of this Court is invoked pursuant to 29 U.S.C. §216(b), and 28 U.S.C. §1343(4).

4.

Defendant Jay Jay Kar Investments, Inc. is a Georgia corporation, and the unlawful employment practices described herein occurred at 619 Highway 138 West, Stockbridge, Georgia 30281. Accordingly, venue in this Court is proper pursuant to 29 U.S.C. §216(b); LR 3, Northern District of Georgia.

III. Parties

5.

Plaintiff was a resident of Henry County in the State of Georgia during the relevant time period.

6.

Defendant Jay Jay Kar Investments, Inc. may be served with process by delivering a copy of the summons and complaint to its registered agent, Prahlad S. Patel, 619 Highway 138 West, Stockbridge, Georgia 30281.

7.

Defendant Kenny Patel may be served with process by delivering a copy of the summons and complaint to his office address at 619 Highway 138 West, Stockbridge, Georgia 30281.

IV. Factual Allegations

8.

Plaintiff was an “employee” (as defined under FLSA §3(e), 29 U.S.C. §203(e)) for Defendants.

9.

Plaintiff performed non-exempt labor for the Defendants within the last three years.

10.

Defendants employed the named Plaintiff during the relevant time period.

11.

During the relevant time period, Plaintiff worked an amount of time that was more than forty (40) hours per workweek and was paid a salary for all hours worked, regardless of her actual hours.

12.

Defendant Jay Jay Kar Investments, Inc. is a private employer engaged

in interstate commerce, and its gross revenues exceed \$500,000 per year.

13.

Defendant Patel is the Manager of the Howard Johnson hotel owned by Jay Jay Kar Investments, Inc. in Stockbridge, Georgia.

14.

Defendant Patel had discretion over Plaintiff's working hours and overtime compensation.

15.

Defendant Patel acts both directly and indirectly in the interest of Jay Jay Kar Investments, Inc. and was in a supervisory position over Plaintiff.

16.

Jay Jay Kar Investments, Inc. is an "employer" within the definition of FLSA §3(d), 29 U.S.C. §203(d).

17.

Defendant Patel is an "employer" within the definition of FLSA §3(d), 29 U.S.C. §203(d).

18.

Defendants are governed by and subject to FLSA §§ 6-7, 29 U.S.C. §§ 206-207.

19.

Plaintiff was hired as a Shuttle Driver by Defendant Jay Jay Kar Investments, Inc. at its Howard Johnson hotel in Stockbridge, Georgia in February 2007 and worked in that position until April 2009. Plaintiff was rehired in November 2009 and worked again for Defendant Jay Jay Kar Investments, Inc. at its Howard Johnson hotel in Stockbridge, Georgia until December 2010 in the same position. Plaintiff was classified by Defendants as an exempt employee for purposes of the FLSA.

20.

Between November 2009 and December 2010, Plaintiff worked over forty (40) hours per week.

21.

During Plaintiff's employment with Defendant Jay Jay Kar Investments, Inc., Plaintiff was paid a salary for all hours worked and was not paid the overtime wage differential required by FLSA §7, 29 U.S.C. §207 when working more than forty (40) hours per week.

22.

From November 2009 until October 2010, Plaintiff worked approximately 54 hours per week and was paid \$600 biweekly. From November 2010 through December 2010, Plaintiff worked approximately 72 hours per week and was paid

\$750 biweekly.

23.

Defendants failed to maintain records of the time spent by Plaintiff performing compensable overtime activities as is required by the FLSA.

24.

Defendants failed to pay overtime where applicable to Plaintiff pursuant to the FLSA.

**V. Violation of the Overtime Wage Requirement
of the Fair Labor Standards Act.**

25.

Defendants, individually and collectively, jointly and severally, have violated FLSA § 7, 29 U.S.C. § 207, by failing to pay overtime wages for time that Plaintiff worked in excess of forty (40) hours in a workweek.

26.

Pursuant to FLSA §16, 29 U.S.C. §216, Plaintiff brings this lawsuit to recover unpaid wages, overtime wage differential, liquidated damages in an equal amount, attorneys' fees, and the costs of this litigation.

VI. Prayer for Relief

WHEREFORE, Plaintiff respectfully requests that this Court:

- (A) Grant Plaintiff a trial by jury as to all triable issues of fact;
- (B) Enter judgment awarding Plaintiff unpaid overtime wages pursuant to the

FLSA § 7, 29 U.S.C. § 207, liquidated damages as provided by 29 U.S.C. § 216, pre-judgment interest on unpaid wages pursuant to 29 U.S.C. § 216, and court costs, expert witness fees, reasonable attorneys' fees as provided under FLSA § 16 and all other remedies allowed under the FLSA; and,

- (C) Grant declaratory judgment declaring that Plaintiff's rights have been violated;
- (D) Award Plaintiff such further and additional relief as may be just and appropriate.

Respectfully submitted this 1st day of November, 2011.

THE SHARMAN LAW FIRM LLC

/s/ Paul J. Sharman
PAUL J. SHARMAN
Georgia State Bar No. 227207

The Sharman Law Firm LLC
11175 Cicero Drive, Suite 100
Alpharetta, GA 30022
Phone: (678) 242-5297
Fax: (678) 242-5297
Email: paul@sharman-law.com

Counsel for Plaintiff